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December 19, 2016

By Fax with permission
Honorable Gary R. Brown
United States Magistrate Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: Subramaniam v. Driscoll Investments LLC, et al.
Civil Action no.: 15-cv-5591 (DRH)(GRB)

Dear Judge Brown:

I represent the Defendants Driscoll Investments, LLC and Christopher D. Driscoll (DE 20 dated October 27, 2016). To my abject horror, I discovered yesterday afternoon at 1:40 PM that the Court had granted my letter request for my clients to have the chance to oppose Plaintiff's application for a Default Judgment (DE 15 filed on September 26, 2016). I never saw the unnumbered Docket Entry entered on November 17, 2016 until yesterday afternoon, and therefore never filed my papers.

By this letter, I am respectfully advising the Court that I filed a Motion last night (it took me all day and night to draft) for an Order pursuant to Federal Rules of Civil Procedure ("Fed. R. Civ. P.") Rule 6(b) for an extension of time to respond to Plaintiff's Motion for a Default Judgment entered on September 26, 2016 by motion pursuant to Fed. R. Civ. P. Rule 55(c). This motion more fully explains how and why I first discovered the Court's Order yesterday afternoon. In short, I came in yesterday, thinking the Court had not yet ruled on my letter request (DE 21), to draft a motion proactively for an extension of time in the event the Court were to issue an Order over the next ten days, as I will be out of the country as of this evening for the holidays with my family (one of our kids is in France studying for the year). In fact, I wrote to Plaintiff's counsel on December 2, 2016 asking him to reconsider permitting my clients to Answer the Complaint, since the co-Defendant now has until January 10, 2017 to Answer (DE 23). I never mentioned your Honor's Order, since I did not know about it. Plaintiff's counsel never responded to me, which certainly would have alerted me, and I would have had time to timely file papers pursuant to the Order.

I asked for a date beyond January 3, 2017 to make this motion, as I will be away for the holidays.

Thank you for your kind consideration, and I deeply apologize for my error. Best wishes for the holidays.

Respectfully submitted,



Randy Zelin

RZ:nb

cc: Rash & Bakshi (by ECF)